

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

MICHAEL RALPH CONROY,)	
)	
Plaintiff,)	
)	
vs.)	CIV-07-87-M
)	
THE STATE OF OKLAHOMA,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

Plaintiff, a state prisoner appearing pro se, filed this civil rights action pursuant to 42 U.S.C. §1983 on January 23, 2007. The matter was referred to the undersigned Magistrate Judge by United States District Judge Miles-LaGrange on January 25, 2007, for initial proceedings consistent with 28 U.S.C. §636(b)(1)(B). On January 25, 2007, the undersigned reviewed the pleadings filed by Plaintiff and entered an Order notifying Plaintiff that the documents filed on January 23, 2007, were deficient because a motion to proceed *in forma pauperis* was not on the proper form along with the required affidavit and certified copy of institutional account had not been submitted. The Plaintiff was ordered to cure this deficiency by February 14, 2007, and advised that if the deficiency was not cured, the undersigned would recommend the dismissal of the action without prejudice. As of this date, Plaintiff has failed to comply or file any further pleadings with the Court.

Plaintiff's lack of interest in complying with the Court's Order combined with the

Court's attempt to manage and control its caseload warrant a dismissal of the Complaint without prejudice. Brandenburg v. Beaman, 632 F.2d 120, 122 (10th Cir. 1980) (*per curiam*), cert. denied, 450 U.S. 984 (1981).

RECOMMENDATION

In view of the foregoing, the undersigned recommends that the action be dismissed without prejudice. The Plaintiff is advised of his right to file an objection to this Report and Recommendation with the Clerk of this Court by March 15th, 2007, in accordance with 28 U.S.C. §636 and LCvR 72.1. Plaintiff is further advised that failure to make timely objection to this Report and Recommendation waives his right to appellate review of both factual and legal issues contained herein. Moore v. United States of America, 950 F.2d 656 (10th Cir. 1991).

This Report and Recommendation disposes of all issues referred to the undersigned Magistrate Judge in the captioned matter, and any pending motion not specifically addressed herein is denied.

ENTERED this 23rd day of February, 2007.


GARY M. PURCELL
UNITED STATES MAGISTRATE JUDGE